

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Friday, August 17, 2012 – 9:00 a.m. – Room C445 State Capitol

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. Curtis Oda, House Chair
Sen. Gene Davis
Sen. Mark B. Madsen
Sen. Benjamin M. McAdams
Pres. Michael G. Waddoups
Rep. Neal B. Hendrickson
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold

Members Absent:

Speaker Rebecca D. Lockhart

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Tracey Fredman, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Oda called the meeting to order at 9:15 a.m.

MOTION: Sen. Davis moved to approve the minutes of the May 31, 2012 meeting. The motion passed unanimously. Sen. Stephenson and Sen. Madsen were absent for the vote.

2. Administering Rabies Vaccines at Animal Shelters

Dr. Donald Renda, Veterinarian, distributed and reviewed an updated cover letter with attachments, previously provided and distributed in the mailing packet, which recommends that trained persons employed by animal shelters, under the indirect supervision of a licensed veterinarian, be allowed to administer rabies vaccines to animals at animal shelters.

Dr. Vaughn Park, Executive Secretary, Utah Veterinary Medical Association, and Delegate, American Veterinary Medical Association, stated that the position of the association is that licensed veterinarians should administer the rabies vaccine due to their preparedness to respond quickly to dangerous reactions to the vaccine.

Mr. Mark Steinagel, Director, Division of Occupational and Professional Licensing, discussed the meanings of "direct supervision" and "indirect supervision" as defined in Section 58-28-102 of the Veterinary Practice Act.

Dr. Wyatt Frampton, Field Veterinarian, Utah Department of Agriculture and Food, stated that there are exemptions enabling employees to administer euthanasia and other vaccines as their job requires, yet they are not able to administer the rabies vaccine. Dr. Frampton also indicated that a dangerous reaction can occur from anything injected into an animal.

Dr. Robert Rolfs, Deputy Director, Department of Health, spoke in support of allowing shelter employees who have been properly trained to administer the rabies vaccine.

MOTION: Sen. Davis moved that the committee draft a letter to the Legislative Management Committee requesting that the administration of rabies vaccines at animal shelters be assigned to either the Business and Labor, Health and Human Services, or Natural Resources, Agriculture, and Environment Interim Committee in a time frame that would allow committee discussion by October 17, 2012. The motion passed unanimously.

3. Rules to Implement Training Requirements in Utah Code Section 26-15-5, "Requirements for Food Handlers"

Mr. Hunsaker briefed committee members on the statutory requirement that the Department of Health establish minimum requirements for food handler certification and training in order to protect public health. He indicated that the Department of Health has delegated this responsibility to local health departments.

Ms. Melva Sine, President and Chief Executive Officer, Utah Restaurant Association, distributed "ServSafe Food Handler Guide," "Section 26-15a-102 Definitions," "Section 26-15-5 Requirements for Food Handlers," a section of 2011 General Session S.B. 314, "Alcoholic Beverage Amendments," and "Approval of NRA [National Restaurant Association] Food Handler Program." Ms. Sine discussed the problems caused by the Department of Health's delegation to local health departments of the responsibility to administer food handler training and certification.

Committee staff distributed 2012 General Session H.B. 362 "Food Handler Training Amendments" and Ms. Sine discussed the bill.

Ms. Sine said the Utah Restaurant Association would like its training program and other providers' programs approved by the state so that training and certification requirements would be uniform statewide rather than vary from county to county.

Rep. Johnny Anderson discussed the need for an open, free market for food handler training throughout the state, and for local health departments to determine whether there is a need to charge additional local fees for issuing a permit.

Dr. Rolf addressed amending the rule to create a consistent system across local jurisdictions and throughout the state. Dr. Rolf noted some of the changes being considered, including the implementation of a statewide food handlers' training certification test.

Ms. Sine explained that a statewide test would create difficulties because trainers would have to rewrite their curriculum and materials to conform to the one test.

Rep. Anderson concurred with Ms. Sine's comment that a statewide test would exclude some vendors from participating in the training.

Mr. Richard Bullough, Health Director, Summit County Health Department, discussed how fees are set in Summit County and responded to committee members' questions.

MOTION: Sen. Davis moved that the committee (1) urge the Department of Health, together with the twelve local health departments and representatives from the industry, to draft an administrative rule and be prepared to present bullet points of details to be included within the rule for committee review within a six week time period, and (2) recommend that Rep. Anderson prepare to open a bill file for the 2013 General Session to address these issues. The motion passed unanimously.

4. Rulemaking by State Agencies Based on Legislation Passed in the 2012 General Session

Mr. Hunsaker distributed and commented briefly on "2012 General Session Legislation Requiring Rulemaking."

5. Committee Business

Future meetings were scheduled for September 4, 2012, and October 9, 2012.

6. Adjourn

MOTION: Rep. Moss moved to adjourn the meeting. The motion passed unanimously.

Chair Oda adjourned the meeting at 12:15 p.m.